

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:08-CV-431-FDW-DCK**

HOME DESIGN SERVICES, INC.,

Plaintiff,

v.

**PERSIS-NOVA CONSTRUCTION, INC.,
D/B/A P&N HOMES, INC., and D/B/A
PERSIS-NOVA BUILDERS,
FRANK F. AROOJI, and
EBRAHIM MOWLAVI,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on the “Motion to Quash Subpoena” (Document No. 28) filed on June 29, 2009 by the Register of Deeds for Union County, North Carolina. This motion has been referred to the Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate. Having carefully considered the briefs (Document Nos. 28-30), the undersigned will **deny** the motion as **moot**.

On July 16, 2009, Plaintiff issued a subpoena *duces tecum* to the Register of Deeds for Union County, North Carolina. The subpoena requested “all mortgage documents” for three parcels of land located in Union County, North Carolina. Counsel for the Register of Deeds indicates that Plaintiff’s counsel was informed of the public availability of the requested documents, but that Plaintiff’s counsel nonetheless insisted that the Register of Deeds send the requested documentation pursuant to the subpoena.

On June 29, 2009, Crystal Crump, as the Register of Deeds, moved through counsel to quash

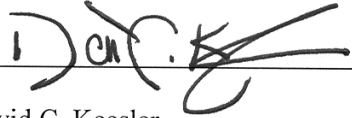
the subpoena on the grounds that 1) the subpoena was essentially requesting a title search for each parcel of land, and 2) the requested documentation is publicly available to the Plaintiff.

Subsequently, the Plaintiff filed a notice in this Court indicating that it was withdrawing the subpoena served upon the Register of Deeds for Union County. (Document No. 30). Hence, this discovery dispute is now moot.

IT IS, THEREFORE, ORDERED that the “Motion to Quash” (Document No. 28) is **DENIED** as **moot**.

IT IS SO ORDERED.

Signed: July 2, 2009



David C. Keesler
United States Magistrate Judge

